

1 ***Regular Meeting***
2 ***Borough of Leonia***
3 ***Minutes for September 19, 2005***
4

5 *A Meeting of the Mayor and Council of the Borough of Leonia, Bergen County, New*
6 *Jersey, was held this evening in the Borough Hall Annex, commencing at 7:35pm*
7

8 ***Council Present:*** *Mayor Laurence Cherchi, Councilwoman Dwarica,*
9 *Councilwoman Heveran, Councilman LaBianco*
10 *Councilwoman Mitrani, Councilman Puzzo, Council President*
11 *Ryan,*
12

13 ***Council Absent:*** *none*
14

15 ***Also Present:*** *Fran Lehmann, Borough Clerk, David Russo, Borough Attorney,*
16 *Victoria Miragliotta, Borough Administrator,*
17

18 Mayor Laurence Cherchi called the meeting to order.
19

20 Mayor Laurence Cherchi asked everyone to stand while Council President Ryan led in
21 the Pledge of Allegiance.
22

23 **OPEN MEETING STATEMENT**
24

25 Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin
26 Board at Borough Hall and notices sent to the Official Newspaper.
27

28 Mayor Cherchi pointed out the Fire Exits to those assembled.
29

30 Mayor Cherchi asked for a moment silence for Peter Marchant, resident.
31

32 **APPROVAL OF MINUTES**
33

34 Councilwoman Heveran, made a motion to approve the Minutes of August 15, 2005,
35 seconded by Councilwoman Dwarica. Councilwoman Dwarica noted that the "motion to"
36 on line 286 of the minutes needed to be added. Roll call vote; Councilpersons Dwarica,
37 Heveran, LaBianco, Mitrani, Ryan and Puzzo voted yes, minutes approved as amended.
38

39 Councilwoman Dwarica made a motion to approve the Closed Session Minutes of August
40 15, 2005, seconded by Council President Ryan. Roll call vote; Councilpersons Dwarica,
41 Heveran, LaBianco, Mitrani, Ryan and Puzzo voted yes. Minutes approved.
42

43 **COMMENTS FROM PUBLIC**
44

45 Alex Rodriguez – 127 Broad Avenue –Mr. Rodriguez brought to the attention of the
46 Governing Body of a problem he is having with the Shade Tree Commission and the

Property Maintenance Officer regarding a tree that has raised the sidewalk in front of his house.

Peter Knott – 117 Wood Terrace – Mr. Knott is a member of the Shade Tree Commission he has looked at the tree in front of 127 Broad Avenue. Mr. Knott said the tree appears to be diseased. Mr. Knott has made contact with Mr. Peters, and requested he hold off issuing any further violation notices until the commissioner for that district evaluates the tree. Mr. Knott also brought to the attention of the Governing Body problems of litter especially in the central business district. He suggested having the Police Department patrol on foot, might act as a deterrent.

David Christensen 131 Broad Avenue –Mr. Christensen read a statement regarding violation notices being issued and the conflict between the Shade Tree Commission and Borough rules. Mayor Cherchi explained to Mr. Christensen that the Shade Tree Commission will demonstrate a way to repair the sidewalk without damaging the tree. Mayor Cherchi also explained that according to Borough Ordinance it is the homeowner's responsibility to repair the sidewalks even if Borough shade trees damage the sidewalk.

Ken Tucker – Leonia Shade Tree Commission - Mr. Tucker said their issue is valid and the ordinances are self-contradictory. In order to comply with the ordinances the repairs are very costly. We allow arcing around the tree and hand shaving the tree roots. When the contractor learns he can't just lay a slab then it become a cost issue. Mayor Cherchi does not see anyway for the Borough to subsidize the repairs of sidewalks damaged by trees.

Alex Rodriguez – 127 Broad Avenue - Explained it is difficult for him to comply with the ordinance due to the way his property is landscaped.

Martin Monaco - 352 Highwood Avenue – Spoke to the Council regarding a letter he sent to the Governing Body.

Margherita Brogna - 135 Broad Avenue - Spoke to the Council regarding the sidewalks in front of her house.

REPORTS

Standing Committees

Finance Administration & Personnel- Closed Session Items.

Budget requests have been distributed to all Departments.

Laws & Ordinances - Nothing to report

Police - Council President Ryan reported the suggested Table of Organization Amendment will be discussed later in the meeting Council President Ryan spoke about the new law regarding the Alca-breathalyzer

93 system. Councilman Ryan explained how this might be funded. Mayor
94 Cherchi said the forfeiture funds may be used to purchase the equipment.
95 This item will be on the October 5, 2005 agenda for further discussion.
96

97 Fire - Councilwoman Heveran reported on the number of calls for the
98 month of August. Councilwoman Heveran explained the new program
99 that will be implemented by Fire Prevention for smoke detectors. The new
100 accountability system is in place and members of the Fire Department will
101 come before the Governing Body and give a demonstration.
102 Councilwoman Heveran referred to a memo from Fire Chief Dunn to Sgt.
103 Carlson expressing the Fire Department's concern about speed humps on
104 Lakeview Avenue. The fire apparatus will have to stop on the steep hill
105 and this may impede response time. Councilman Ryan asked if emergency
106 services would object to speed humps in other areas. Councilwoman
107 Heveran responded that it is a concern of the emergency services and their
108 ability to respond.
109

110 Ambulance - Councilwoman Dwarica reported that the Ambulance Corps
111 responded to 66 calls for the month of August and that is down from the
112 previous month.
113

114 Public Works – Council President Ryan reported on the proposal to
115 Englewood for leaf composting. If we the Borough does not receive the
116 increase they have proposed to the city of Englewood. The Borough will
117 look to other communities who have expressed interest.
118

119 Real Estate and Insurance - Nothing to report
120

121 Borough Administrator – The Borough Administrator reported on the
122 recreation center railing repairs. She also reported on the repair of the
123 sidewalk by the exit of Borough Hall, this is a vast improvement. The
124 contaminated soil clean up at the Fire Department will begin next week.
125 Councilwoman Heveran asked that Chief Dunn be notified when the work
126 is to begin. The Borough Administrator also reported that three vendors
127 for generators have come in and advised that the Ambulance Corps obtain
128 a free standing generator of their own. Sylvan Park bids will be opened on
129 September 30th. New specifications for Magnolia Place have been
130 prepared and hopefully, will come in within the grant range. The owners
131 of 161 Leonia Avenue will be appearing before the Board of Adjustment
132 on October 27. Mr. Saitta is getting three quotes for a new ceiling at the
133 Annex. The carpet will be replaced after the ceiling is done. The Borough
134 Administrator is working with the DPW Superintendent on traffic signs
135 and making sure that the trees are trimmed and they are visible. There are
136 resolutions on the agenda for the Community Development Grant
137 Applications and Open Space Trust. After speaking with David Russo,
138 Borough Attorney it is recommended we table the resolution for the

award of the garbage truck until the next meeting. The Health Fair is Saturday, October 1st at the ACS School. We are researching new and innovative ways to store our records and hopefully do away with some of our filing cabinets. Budget packets have been handed out, and are due back by mid October from Department Heads. We will be deep in the budget process in November and December. Councilwoman Heveran inquired about the handball court and when the cap would be installed? The Borough Administrator explained it is being made and should be installed in a couple of weeks.

Mayor – Mayor Cherchi reported spoke to the New Jersey Turnpike Authority and they have agreed to remove the graffiti on the underpass and noise walls. They will also clean the sidewalks on Broad and Grand. Mayor Cherchi reported he attended the Korean Thanksgiving Festival on Sunday. Mayor Cherchi reported that he met with representatives of the Bergen County Improvement Authority with Mr. Hawkins, and Mr. Russo on the Overpeck Preserve. Mayor Cherchi said we receive between \$500,000 and 600,000 for the project.

Special Bodies of the Borough Councilwoman Dwarica explained that the Historic Preservation would like to amend the Ordinance, and come to a meeting in October and make a presentation. Mayor Cherchi said to include them on the agenda for October 17th.

RESOLUTIONS

Councilwoman Heveran asked to have Resolution 05-219 corrected. Mr. Tsockanos' name was misspelled and it should be Donald Anderson, Sr. not Jr. Councilman Puzzo and Councilwoman Heveran questioned Resolution 05-223. The Borough Administrator explained the procedure for tax lien redemption. Councilman Puzzo made a motion to approve Resolutions 05-217, 05-218, 05-219, 05-221 through 05-224, 05-226 through 05-229, seconded by Councilwoman Dwarica. Roll call vote Councilpersons Dwarica, Heveran, LaBianco, Mitrani, Council President Ryan and Puzzo voted yes. Resolutions approved.

Resolution 05-220 – The Borough Administrator explained the need for the purchase of the 9-1-1 equipment. A discussion was held regarding out sourcing 9-1-1 service. This resolution tabled until the meeting of October 5, 2005. Mayor Cherchi would like the Borough Administrator to check with Ridgewood. Councilman LaBianco would like to know if this is available with as a lease. The Borough Administrator said it is under State Contract it is not available as a lease.

Resolution 05-225 – At the request of the Borough Administrator, this resolution will be placed on the agenda of October 5, 2005.

INTRODUCTION OF ORDINANCE

185 Introduction of Ordinance 15-05 entitled:

186
187 **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 46 OF THE**
188 **CODE OF THE BOROUGH OF LEONIA ENTITLED “PERSONNEL**
189 **POLICIES”**

190 Borough Clerk read the Ordinance by Title

191
192 Councilwoman Mitrani made a motion to introduce Ordinance 15-05, seconded by
193 Councilman Ryan. Roll call vote; Councilpersons Dwarica, Heveran, LaBianco, Mitrani,
194 Ryan and Puzzo voted yes. Ordinance 15-05 introduced.

195
196 **UNFINISHED BUSINESS**

- 197
198 a. C.G. Engineering – Mayor Cherchi reported on two projects that CG Engineering
199 is working on. Sylvan Park bids will be received at the end of the month. Mayor
200 Cherchi asked the Borough Clerk to read the memo received regarding the
201 Downtown Improvements.
202
203 b. Police Table of Organization – Councilman LaBianco made a motion to accept
204 the Table of Organization recommended as presented by the Police Commission,
205 seconded by Councilwoman Heveran. Council President Ryan went over the
206 recommendation from the Police Commission. Councilwoman Heveran
207 questioned the “Sunset of two Sergeants.” How many would that leave? Council
208 President reported it will leave 4 Sergeants. Councilman Puzzo reported on how
209 they (Commission) arrived at this decision. Roll call vote; Councilpersons
210 Dwarica, Heveran, LaBianco, Mitrani, Council President Ryan and Puzzo voted
211 yes. Motion carried.
212
213 c. Sidewalk Issues
214 1. Sidewalk Ordinance: Councilwoman Mitrani would like to meet with the
215 Borough Administrator and the Shade Tree Commission and Mr. Peters to
216 come up with a new Ordinance. Mr. Russo will research the issue of
217 Shade Tree Commissions and who is responsible for sidewalks. Mr. Russo
218 explained some of the changes to the laws regarding the liability issue.
219 The conflict is between the Shade Tree Commission and enforcement vs.
220 the practical costs. Some of it is not an Ordinance problem but an
221 implementation issue. Councilwoman Mitrani asked if the property owner
222 is responsible for the sidewalks. The Borough Attorney said “yes,” it is
223 their responsibility. Councilwoman Heveran questioned how it is possible
224 to repair or construct a new sidewalk within 5’ of tree. There are trees that
225 are less than 5’ from sidewalks and driveways that were planted by the
226 Borough. Councilwoman Mitrani feels that this Ordinance needs to be
227 addressed. The Governing Body discussed the pros and cons of putting the
228 burden on the Shade Tree Commission. Councilman Puzzo inquired if he
229 could ask the Shade Commissioner present if there is an issue with a very
230 large burden being place on the Commission to check trees and sidewalk

231 issues. Mr. Tucker responded that in the last two years there have been
232 more letters to the Commission because there is more enforcement.
233 Councilman LaBianco feels that this should be a part of the CCO process.
234 This will be discussed at the meeting of October 17th.
235

236 2. Sidewalk Repairs as Part of CCO – This item was held until the meeting
237 of October 17th
238

239 d. Art in Leonia – Councilwoman Mitrani reminded everyone of the letter she
240 outlined for her plan for Art in Leonia. The Women’s Club had originally said
241 they would take this on as a project, but now they do not feel they can
242 accommodate this activity. Councilwoman Mitrani would like to know if anyone
243 is interested in the project.
244

245 e. Madonna Cemetery
246

247 **NEW BUSINESS**

248
249 All New Business held until the Meeting of October 5, 2005
250

251 **CORRESPONDENCE**

252
253 Councilwoman Heveran spoke regarding the petition received by the Governing Body.
254 Councilwoman Heveran would like for a way for the people on the petition be notified of
255 the reason the antennae is being place on the firehouse.
256

257 Councilwoman Heveran also noted that she received a phone call of complaint about the
258 noise level coming from the Korean Thanksgiving Day celebration in Over Peck County
259 Park. Maybe we can work with the County for next year to control the level of noise so
260 our residents are not disturbed.
261

262 **COMMENTS FROM THE PUBLIC**

263
264 Gil Hawkins – 123 Knapp Terrace – Would like to thank Mayor Cherchi and David
265 Russo for coming to the meeting with BCUIA. The meeting was very productive. A lot of
266 work was accomplished. Test on the water in the Overpeck right now shows the water is
267 swimable. Hopefully we will be able to get some sports and game fish in the creek in the
268 next couple of years. There is also a timetable for remediation of the banks.
269

270 Alex Rodriguez 127 Broad Avenue – Asked the Governing Body if they could hire
271 someone to check the trees to see if they are diseased.
272

273 David Christensen 131 Broad Avenue – Mr. Christensen asked about the tractor trailers
274 going up and down Broad Avenue. He questioned the laws regarding if they are allowed.
275 Mayor Cherchi said it is matter of enforcement. The Borough Administrator will notify
276 the Police Department.

277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301

Martin Monaco – 352 Highwood Avenue – Mr. Monaco again brought up a letter he wrote to the Governing Body in July. Councilwoman Mitrani stated that as a result of his letter the Council is now reviewing the Sidewalk Ordinance and hopefully some changes will be forthcoming.

Peter Knott – 117 Wood Terrace – The five-foot area between the sidewalk and the trees applies to new construction only. There is a problem with the trees impacting on the sidewalks. There are conflicts between the ordinances.

CLOSED SESSION (RESOLUTION N)

A motion was made by Councilperson Dwarica seconded by Council President Ryan to go into Closed Session. All in favor none opposed.

Councilperson Dwarica, made a motion to adjourn the meeting at 10:45PM, seconded by Councilwoman Heveran, all in favor none opposed. Meeting Adjourned.

Respectfully submitted,

Fran Lehmann
Borough Clerk